Fact Sheet:
HUMAN RIGHTS

Q. What are human rights?
A. Typically, when people speak of exercising their rights, they are referring to those fundamental rights that are specifically guaranteed by the U. S. Constitution and each state's constitution. But, "human rights" also often refers to the basic respect and dignity that should be afforded each individual.
No one can take away a person's constitutional rights. However, Congress can add to our constitutional rights by passing federal laws. The Voting Rights Act and the Americans with Disabilities Act are examples of federal laws passed by Congress that expanded the rights of citizens. State legislators can also pass laws that expand on or explain the rights and responsibilities of citizens of their states.

Q. Do people with mental retardation have rights?
A. People with mental retardation, like all other citizens, have a vast array of protections under the law which must be recognized and protected.

Q. Have people with mental retardation always been afforded the same human rights as others?
A. There has been a long history of oppression and callous disregard for the lives of individuals with mental retardation.
This tradition, together with the societal pressure to devalue individuals with mental retardation, make it essential that those charged with their support and care be aware of the increased risks that individuals with mental retardation continue to face. They must be especially vigilant to protect the autonomy and right to equal protection under the law of individuals with mental retardation.

Q. How did the concept of human rights originate?
New concept: The idea that every human being has inherent worth and accompanying "rights" is a relatively new concept. Throughout most of recorded history, the only privileges that people had were those that were granted by the emperor or king in power. In many traditional societies, it was believed that the leader ruled by divine right and that the social order was the "will of God." The value of each person was based on his or her place in the social order. Class, race, gender or religion were considered legitimate justifications for devaluing individuals and entire segments of a society. The result for the person could be exploitation, oppression, persecution, slavery, torture or even execution.

U.S. contribution: Our own Declaration of Independence was a pivotal event in the evolution of the concept of human rights. Thomas Jefferson eloquently captured the fundamental notion of the innate right to liberty and equality with these revolutionary words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

Human rights internationally accepted. It was nearly two centuries later, after World War II, that the modern concept of "human rights"-that each person has inherent worth-gained worldwide acceptance. With the realization that laws had specifically authorized the unspeakable horrors perpetrated on innocent millions during World War II, the world's conscience awoke to the simple notion that some actions are wrong, no matter what. Every human being has a right to basic respect. The 1945 charter of the United Nations begins by reaffirming a "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women"

The Universal Declaration of Human Rights: Three years later, in 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. It is essentially a list of human rights. The Universal Declaration establishes uniform standards for the treatment of all persons. It proclaims that all human beings shall be entitled to:

- equality before the law;
- protection against arbitrary arrest;
- the right to a fair trial;
- freedom from ex post facto criminal law;
- the right to own property;
- freedom of thought, conscience, and religion;
- freedom of opinion and expression;
- freedom of assembly and association;
- the right to work and to choose one's work freely;
- the right to equal pay for equal work;
- the right to form and join trade unions;
- the right to rest and leisure;
- the right to an adequate standard of living; and,
- the right to an education

In the decades that followed the Universal Declaration, the United Nations promulgated resolutions on specific areas of concern in human rights.
In 1971, the United Nations adopted a Declaration on the Rights of Mentally Retarded Persons. A Declaration on the Rights of Disabled Persons followed in 1975.

References and Resources

Declaration of Independence
U.S. Constitution
United Nations
    Universal Declaration of Human Rights
    Declaration on the Rights of Mentally Retarded Persons
    Declaration on the Rights of Disabled Persons
Americans with Disabilities Act (Rehabilitation Act of 1973, Section 504)

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